

REMARKS/ARGUMENTS

Applicants would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office Action, and amended as necessary to clearly and particularly describe the subject matter that Applicants regard as the invention.

Claims 6 and 7 have been newly added. The subject matter of these claims is supported by the specification, FIG. 4 in particular.

Claims 1 and 2 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 2004/0100598 to Adachi et al. (hereinafter "Adachi") in view of U.S. Patent No. 5,303,288 to Duffy et al. (hereinafter "Duffy"). For at least the following reasons, the Examiner's rejection is respectfully traversed.

In regard to claim 1, the Office Action stated that Adachi fails to disclose a key locked state and that such a deficiency is overcome by Duffy which discloses a lock function where a keypad can be locked. The combination suggested by the Office Action results in a telephone that 1) has a mirror surface state and a transparent surface state and 2) provides for a key locked state. However, this still falls short of a telephone that switches to a mirror surface state under the key locked state, a feature that is made possible by "a control unit, which brings the panel to the mirror surface state and turns off the power of the display portion when a key locked state is set." The switching switch 813, which controls the mirror status/image display status in Adachi, does not relate to a key lock function while manipulation of the pushbutton 25, which locks the keypad in Duffy, does not relate to changes in mirror surface/transparent states. In other words, the combination suggested by the Office Action does not result in a telephone in which there is a correlation between the mirror surface/transparent states and the key locked state because, under

the combination suggested by the Office Action, the key lock function is completely independent of changes in the mirror surface/transparent states. No reference in the prior art teaches a correlation between the key lock state and the mirror surface/transparent states in the present application and, thus, any assertion labeling this feature as obvious is based on hindsight relying on the teachings of the present application. Therefore, since the combination failed to disclose all the limitations of claim 1, the rejection of claim 1 and its dependent claims was improper.

Claim 3 was rejected under 35 U.S.C. 103(a) as being unpatentable over Adachi as modified by Duffy and further in view of U.S. Patent Publication No. 2004/0082367 to Nakanishi et al. (hereinafter "Nakanishi"). For at least the following reasons, the Examiner's rejection is respectfully traversed.

In regard to claim 3, the Office Action stated that Nakanishi discloses a third control unit which brings the panel to the mirror surface state and turns off the power of the display portion when a response to the received call is performed and Fig. 4 of Nakanishi was referred to regarding this limitation. A more careful observation of Fig. 4 reveals that, contrary to the assertion in the Office Action, the method of Nakanishi does not proceed to the mirror surface state when a response to the received call is performed but, rather, the possibility of reaching the mirror surface state is delayed until after call release has taken place either through step S32 or step S28. In particular, step S34 is a determination of whether or not the light reflective panel 12 is off and takes place later than step S22 which determines whether or not call answer operation has taken place. If a third control unit had brought the panel to the mirror surface state when a response to the received call was performed in an earlier step, there would be no need to have step S34. The presence of step S34 proves that Nakanishi does not disclose the limitations of claim 3 because, in the present invention, the panel would already be in the mirror surface state

based on the response to the received call. In other words, it is incorrect to state that a third control unit brings the panel to the mirror surface state when a response to the received call is performed in Nakanishi. Since all the limitations of claim 3 have not been disclosed, the rejection was improper.

Similarly, new claim 6 stresses this difference from Nakanishi and recites a telephone with a control unit that “brings the panel from the transparent state to the mirror surface and turns off the power of the display portion” when it “detects that an operation for responding to the received call is input to the key operating portion while the call is received and the control unit detects that a prescribed time is elapsed from a point of detecting that the call is received in a state that the operation for responding to the received call is not input to the key operating portion.”

Claims 4 and 5 were rejected under 35 U.S.C. 103(a) as being unpatentable over Adachi as modified by Duffy and further in view of U.S. Patent No. 5,946,636 to Uyeno et al. (hereinafter “Uyeno”). For at least the following reasons, the Examiner’s rejection is respectfully traversed.

In regard to claim 4, there is no motivation to combine Uyeno with Adachi and Duffy. The color-coded indicia 15 of Uyeno relates to a quick-recognition visual notification system in order to communicate device ownership or the nature of incoming communication (see Abstract). The purpose of the indicia 15 is either to identify one’s own radiotelephone when two or more end up in a common place or to identify the nature or type of an incoming call when the user is at a distance away from the telephone (col. 1, lines 16–26) and this is accomplished, for example, by emission of color-coded signals in either a flashing mode or a continuous mode (col. 2, lines 33–35) from the indicia 15 in the housing 40 of the telephone 10. In other words, the indicia 15

of Uyeno does not relate to the display portion of the telephone because it provides a means of identifying ownership or incoming communication from a distance by simply looking at the housing 40 and without having to look closely such as into the display portion. Therefore, it is illogical to conclude that the telephone with the limitations of claim 4 would result from the combination of Uyeno, Adachi and Duffy. Even if such a result were obtained, a person of ordinary skill in the art would not be able to do so.

New claim 7 relates on the limitations recited in claims 1, 4 and 5 and, therefore, recites patentable subject matter.

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 37288.

Respectfully submitted,
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Date: 3/29/07